S T A T E O F N E W Y O R K

10457

I N A S S E M B L Y

May 27, 2016

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, the social services law, the limited liability company law and the partnership law, in relation to the licensing of vision impairment specialists; and providing for the repeal of certain provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The education law is amended by adding a new article 168 to read as follows:

ARTICLE 168

VISION IMPAIRMENT SPECIALISTS

SECTION 8900. INTRODUCTION.
8901. DEFINITIONS.
8902. USE OF TITLES.
8903. STATE BOARD FOR VISION IMPAIRMENT SPECIALISTS.
8904. REQUIREMENTS FOR A LICENSE WITH A SPECIALIZATION AS AN ORIENTATION AND MOBILITY SPECIALIST.
8905. REQUIREMENTS FOR A LICENSE WITH A SPECIALIZATION AS A VISION REHABILITATION THERAPIST.
8906. LIMITED PERMITS.
8907. EXEMPT PERSONS.
8908. SPECIAL PROVISIONS.
8909. SEPARABILITY.

S 8900. INTRODUCTION. THIS ARTICLE APPLIES TO THE PROFESSION OF VISION IMPAIRMENT SPECIALISTS, AND PROVIDES FOR THE LICENSING OF ORIENTATION AND MOBILITY SPECIALISTS AND VISION REHABILITATION THERAPISTS. THE GENERAL PROVISIONS FOR ALL PROFESSIONS CONTAINED IN ARTICLE ONE HUNDRED THIRTY OF THIS TITLE SHALL APPLY TO THIS ARTICLE.

S 8901. DEFINITIONS. FOR PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. THE PRACTICE OF "VISION IMPAIRMENT SPECIALIST" SHALL MEAN PROVIDING ASSESSMENT AND EVALUATION OF, AND TRAINING FOR, PERSONS WHO ARE VISUALLY IMPAIRED WHEN SUCH ASSESSMENT, EVALUATION AND TRAINING INCORPORATES THE FULL RANGE OF SPECIALIZED SKILLS AND TASKS SUBSUMED IN THE SPECIALIZATIONS OF THE PROFESSION DEFINED IN THIS SECTION AS: (A) ORIENTATION AND MOBILITY TRAINING, AND (B) VISION REHABILITATION THERAPY. SUCH SERVICES

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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SHALL BE RENDERED ON THE PRESCRIPTION OR REFERRAL WHICH MAY BE DIRECTIVE AS TO TREATMENT BY A LICENSED PHYSICIAN, NURSE PRACTITIONER, OPHTHALMOLOGIST OR OPTOMETRIST, PROVIDED HOWEVER THAT NO SUCH TREATMENT DIRECTIVE AND LOW VISION EXAMINATION SHALL BE REQUIRED WHEN THE PERSON BEING REFERRED HAS BEEN DIAGNOSED WITHIN THE PREVIOUS TWELVE MONTHS AS VISUALLY IMPAIRED, BLIND OR LEGALLY BLIND AS THOSE TERMS ARE DEFINED IN SUBDIVISION SIX OF THIS SECTION AND SUCH SERVICES ARE BEING RENDERED CONSISTENT WITH THAT DIAGNOSIS, PRESCRIPTION OR REFERRAL. VISION REHABILITATION THERAPISTS, AND ORIENTATION AND MOBILITY SPECIALISTS MAY NOT PRESCRIBE OPTICAL LOW VISION DEVICES.

2. THE PRACTICE OF "VISION IMPAIRMENT SPECIALIST" SHALL MEAN ONE WHO SPECIALIZES IN ORIENTATION AND MOBILITY TRAINING AND/OR VISION REHABILITATION THERAPY.

3. THE PRACTICE OF "ORIENTATION AND MOBILITY TRAINING" SHALL MEAN:

(A) THE ASSESSMENT OF INDIVIDUAL NEEDS OF PERSONS WHO ARE VISUALLY IMPAIRED FOR SKILLS TRAINING IN METHODS OF SAFE MOVEMENT AND IN STRATEGIES TO GATHER REQUIRED ENVIRONMENTAL AND SPATIAL INFORMATION; (B) THE DEVELOPMENT OF APPROPRIATE INTEGRATED SERVICE PLANS TAILORED TO MEET SUCH INDIVIDUAL NEEDS AS IDENTIFIED IN SUCH ASSESSMENT PROCESS; (C) THE PROVISION OF TRAINING IN, AND UTILIZATION OF (I) EQUIPMENT AND ADAPTIVE DEVICES INTENDED AND DESIGNED FOR USE BY PERSONS WHO ARE VISUALLY IMPAIRED, AND (II) SPECIALIZED TECHNIQUES ADAPTED FOR PERSONS WHO ARE VISUALLY IMPAIRED, INCLUDING BUT NOT LIMITED TO ORIENTATION; SENSORY DEVELOPMENT; SYSTEMS OF SAFE MOVEMENT, INCLUDING LONG CANE TECHNIQUES; RESOURCE IDENTIFICATION AND, AS APPROPRIATE, PROFESSIONAL REFERRALS; AND, IN APPLIED SETTINGS, REINFORCING INSTRUCTION FOR THE USE OF OPTICAL DEVICES AS PRESCRIBED BY OPTOMETRISTS AND OPHTHALMOLOGISTS; AND (D) THE EVALUATION OF CLIENTS RECEIVING SUCH SPECIALIZED TRAINING.

4. THE PRACTICE OF "VISION REHABILITATION THERAPY" SHALL MEAN: (A) THE ASSESSMENT OF INDIVIDUAL NEEDS OF PERSONS WHO ARE VISUALLY IMPAIRED FOR SKILLS TRAINING IN INDEPENDENT LIVING AND COMMUNICATIONS; (B) THE DEVELOPMENT OF APPROPRIATE INTEGRATED SERVICE PLANS TAILORED TO MEET SUCH INDIVIDUAL NEEDS AS IDENTIFIED IN SUCH ASSESSMENT PROCESS; (C) THE PROVISION OF TRAINING IN, AND UTILIZATION OF (I) EQUIPMENT AND ADAPTIVE DEVICES INTENDED AND DESIGNED FOR USE BY PERSONS WHO ARE VISUALLY IMPAIRED, INCLUDING, IN APPLIED SETTINGS, REINFORCING INSTRUCTION FOR THE USE OF OPTICAL DEVICES AS PRESCRIBED BY OPTOMETRISTS OR OPHTHALMOLOGISTS, AND (II) SPECIALIZED TECHNIQUES ADAPTED FOR PERSONS WHO ARE VISUALLY IMPAIRED, INCLUDING BUT NOT LIMITED TO BRAILLE AND OTHER COMMUNICATION SKILLS; ADAPTED COMPUTER TECHNOLOGY; PERSONAL MANAGEMENT SKILLS; HOME MANAGEMENT SKILLS; PROBLEM SOLVING SKILLS; RESOURCE MANAGEMENT AND, AS APPROPRIATE, PROFESSIONAL REFERRALS; AND (D) THE EVALUATION OF PERSONS RECEIVING SUCH SPECIALIZED TRAINING.

5. "APPLIED SETTINGS" MEANS THOSE LOCATIONS WHERE PERSONS WHO ARE VISUALLY IMPAIRED ENGAGE IN DAY-TO-DAY ACTIVITIES UTILIZING THE TOOLS SUPPLIED AND TECHNIQUES TAUGHT BY THE LICENSED PRACTITIONERS DEFINED IN THIS ARTICLE.

6. "VISUALLY IMPAIRED" MEANS A PERSON WHO IS TOTALLY BLIND, LEGALLY BLIND OR PARTIALLY SIGHTED. A PERSON WHO IS TOTALLY BLIND IS ONE WHO HAS NO USEABLE VISION. A PERSON WHO IS LEGALLY BLIND IS ONE WHO SATISFIES THE DEFINITION SET FORTH IN SUBDIVISION B OF SECTION THREE OF CHAPTER FOUR HUNDRED FIFTEEN OF THE LAWS OF NINETEEN HUNDRED THIRTEEN. A PERSON WHO IS PARTIALLY SIGHTED IS ONE WHO HAS FUNCTIONAL VISION IMPAIRMENT THAT CONSTITUTES A SIGNIFICANT LIMITATION OF VISUAL CAPABILITY RESULTING FROM DISEASE, TRAUMA, OR CONGENITAL CONDITION, THAT CANNOT BE FULLY AMELIORATED BY STANDARD REFRACTIVE CORRECTION, MEDICATION, OR SURGERY,

AND THAT IS MANIFESTED BY ONE OR MORE OF THE FOLLOWING: INSUFFICIENT VISUAL RESOLUTION, INADEQUATE FIELD OF VISION OR REDUCED PEAK CONTRAST SENSITIVITY.

7. "BOARD" SHALL MEAN THE STATE BOARD FOR VISION IMPAIRMENT SPECIALISTS AS PROVIDED FOR IN SECTION EIGHTY-NINE THOUSAND THREE OF THIS ARTICLE.

S 8902. USE OF TITLES. ONLY A PERSON LICENSED OR OTHERWISE AUTHORIZED UNDER THIS ARTICLE SHALL BE AUTHORIZED TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST OR USE THE TITLE "LICENSED ORIENTATION AND MOBILITY SPECIALIST" OR "LICENSED VISION REHABILITATION THERAPIST" IN CONNECTION WITH HIS OR HER NAME OR WITH ANY TRADE NAME IN THE CONDUCT OF HIS OR HER PROFESSION.

S 8903. STATE BOARD FOR VISION IMPAIRMENT SPECIALISTS. A STATE BOARD FOR VISION IMPAIRMENT SPECIALISTS SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER FOR THE PURPOSE OF ASSISTING THE BOARD OF REGENTS AND THE DEPARTMENT ON MATTERS OF PROFESSIONAL LICENSING AND PROFESSIONAL CONDUCT IN ACCORDANCE WITH SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE. THE BOARD SHALL CONSIST OF NOT LESS THAN NINE INDIVIDUALS, TWO OF WHOM SHALL BE LICENSED ORIENTATION AND MOBILITY SPECIALISTS, TWO OF WHOM SHALL BE LICENSED VISION REHABILITATION THERAPISTS, ONE OPHTHALMOLOGIST, ONE OPTOMETRIST, ONE PUBLIC REPRESENTATIVE AS DEFINED IN PARAGRAPH B OF SUBDIVISION ONE OF SECTION SIXTY-FIVE HUNDRED EIGHT OF THIS TITLE AND TWO OF WHOM SHALL BE BLIND REPRESENTATIVES OF THE PUBLIC AT LARGE WHOSE NAMES WILL BE PLACED IN NOMINATION FOR THE BOARD FROM ORGANIZATIONS OF THE BLIND OR VISUALLY IMPAIRED. MEMBERS OF THE INITIAL BOARD NEED NOT BE LICENSED OR CERTIFIED PRIOR TO THEIR APPOINTMENT TO THE BOARD, SO LONG AS THEY ARE CERTIFIED BY A NATIONAL CERTIFYING OR ACCREDITING BOARD, ACCEPTABLE TO THE DEPARTMENT. OF THE MEMBERS FIRST APPOINTED, TWO SHALL BE APPOINTED FOR A THREE YEAR TERM, THREE SHALL BE APPOINTED FOR A FOUR YEAR TERM, AND THREE SHALL BE APPOINTED FOR A FIVE YEAR TERM. THEREAFTER ALL MEMBERS SHALL SERVE FOR FIVE YEAR TERMS. IN THE EVENT THAT MORE THAN EIGHT MEMBERS ARE APPOINTED, A MAJORITY OF THE ADDITIONAL MEMBERS SHALL BE LICENSED ORIENTATION AND MOBILITY SPECIALISTS AND LICENSED VISION REHABILITATION THERAPISTS. THE MEMBERS OF THE BOARD SHALL SELECT ONE OF THEMSELVES AS CHAIR TO SERVE FOR A ONE YEAR TERM. AN EXECUTIVE SECRETARY SHALL BE APPOINTED BY THE BOARD OF REGENTS UPON THE RECOMMENDATION OF THE COMMISSIONER.

S 8904. REQUIREMENTS FOR A LICENSE WITH A SPECIALIZATION AS AN ORIENTATION AND MOBILITY SPECIALIST. TO QUALIFY FOR A LICENSE AS AN ORIENTATION AND MOBILITY SPECIALIST, AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

2. EDUCATION: HAVE SATISFACTORILY COMPLETED AN APPROVED CURRICULUM IN ORIENTATION AND MOBILITY SERVICES INCLUDING VISUAL DISABILITIES, VISION EDUCATION, VISION IMPAIRMENT OR OTHER EQUIVALENT PROGRAM IN A BACCALAUREATE OR GRADUATE LEVEL PROGRAM OR A FOREIGN EQUIVALENT, SATISFACTORY TO THE DEPARTMENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS; AND

3. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

4. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

5. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

6. REGISTRATION: ALL LICENSED ORIENTATION AND MOBILITY SPECIALISTS SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATION.

7. FEE: A FEE OF TWO HUNDRED DOLLARS FOR AN INITIAL LICENSE AND A FEE OF ONE HUNDRED FIFTY DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

S 8905. REQUIREMENTS FOR A LICENSE WITH A SPECIALIZATION AS A VISION REHABILITATION THERAPIST. TO QUALIFY FOR A LICENSE AS A VISION REHABILITATION THERAPIST AN APPLICANT SHALL FULFILL THE FOLLOWING REQUIREMENTS:

1. APPLICATION: FILE AN APPLICATION WITH THE DEPARTMENT;

2. EDUCATION: HAVE SATISFACTORILY COMPLETED AN APPROVED CURRICULUM IN VISION REHABILITATION THERAPY INCLUDING VISUAL DISABILITIES, VISION EDUCATION, VISION IMPAIRMENT OR OTHER EQUIVALENT PROGRAM IN A BACCALAUREATE OR GRADUATE LEVEL PROGRAM, OR A FOREIGN EQUIVALENT, SATISFACTORY TO THE DEPARTMENT AND IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

3. EXAMINATION: PASS AN EXAMINATION SATISFACTORY TO THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS;

4. AGE: BE AT LEAST TWENTY-ONE YEARS OF AGE;

5. CHARACTER: BE OF GOOD MORAL CHARACTER AS DETERMINED BY THE DEPARTMENT; AND

6. REGISTRATION: ALL LICENSED VISION REHABILITATION THERAPISTS SHALL REGISTER TRIENNIALLY WITH THE DEPARTMENT IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

7. FEE: A FEE OF TWO HUNDRED DOLLARS FOR AN INITIAL LICENSE AND A FEE OF ONE HUNDRED FIFTY DOLLARS FOR EACH TRIENNIAL REGISTRATION PERIOD.

S 8906. LIMITED PERMITS. THE FOLLOWING REQUIREMENTS FOR A LIMITED PERMIT SHALL APPLY TO ALL PROFESSIONS LICENSED OR CERTIFIED PURSUANT TO THIS ARTICLE:

1. ON THE RECOMMENDATION OF THE BOARD, THE DEPARTMENT MAY ISSUE A LIMITED PERMIT TO AN APPLICANT WHO MEETS THE EDUCATION REQUIREMENTS FOR LICENSURE, EXCEPT THE EXAMINATION AND/OR EXPERIENCE REQUIREMENTS, IN ACCORDANCE WITH REGULATIONS PROMULGATED THEREFOR.

2. LIMITED PERMITS SHALL BE FOR ONE YEAR AND MAY BE RENEWED, AT THE DISCRETION OF THE DEPARTMENT, FOR ONE ADDITIONAL YEAR.

3. THE FEE FOR EACH LIMITED PERMIT AND FOR EACH RENEWAL SHALL BE SEVENTY DOLLARS.

4. A LIMITED PERMIT HOLDER SHALL PRACTICE ONLY UNDER SUPERVISION AS DETERMINED IN ACCORDANCE WITH THE COMMISSIONER'S REGULATIONS.

S 8907. EXEMPT PERSONS. THIS ARTICLE SHALL NOT BE CONSTRUED TO AFFECT OR PREVENT THE FOLLOWING, PROVIDED THAT NO TITLE, SIGN, CARD OR DEVICE SHALL BE USED IN SUCH MANNER AS TO TEND TO CONVEY THE IMPRESSION THAT THE PERSON RENDERING SUCH SERVICE IS A LICENSED VISION IMPAIRMENT SPECIALIST:

1. THE PRACTICE OF LICENSED VISION IMPAIRMENT SPECIALIST AS AN INTEGRAL PART OF A PROGRAM OF STUDY BY STUDENTS ENROLLED IN APPROVED EDUCATIONAL OR TRAINING PROGRAMS IN (A) ORIENTATION AND MOBILITY TRAINING OR (B) VISION REHABILITATION THERAPY.

2. NOTHING CONTAINED IN THIS ARTICLE SHALL BE CONSTRUED TO LIMIT THE SCOPES OF PRACTICE OF ANY OTHER PROFESSION LICENSED UNDER THIS TITLE; PROVIDED, HOWEVER, THAT SUCH PRACTITIONERS MAY NOT HOLD THEMSELVES OUT UNDER THE TITLES "LICENSED VISION IMPAIRMENT SPECIALIST", AND/OR "LICENSED VISION IMPAIRMENT SPECIALIST WITH A SPECIALIZATION IN ORIENTATION AND MOBILITY", AND/OR "LICENSED VISION IMPAIRMENT SPECIALIST WITH A SPECIALIZATION IN VISION REHABILITATION THERAPY".

3. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING A PERSON FROM PERFORMING THE DUTIES OF A LICENSED VISION IMPAIRMENT SPECIALIST, IN THE COURSE OF SUCH EMPLOYMENT, IF SUCH PERSON IS EMPLOYED BY A FEDERAL, STATE, COUNTY OR MUNICIPAL AGENCY, OR OTHER POLITICAL INSTITUTION.

4. THIS ARTICLE SHALL NOT BE CONSTRUED TO PROHIBIT CARE DELIVERED BY ANY FAMILY MEMBER, HOUSEHOLD MEMBER OR FRIEND, OR PERSON EMPLOYED PRIMA-

RILY IN A DOMESTIC CAPACITY WHO DOES NOT HOLD HIMSELF OR HERSELF OUT, OR ACCEPT EMPLOYMENT, AS A PERSON LICENSED TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST UNDER THE PROVISIONS OF THIS ARTICLE; PROVIDED, HOWEVER, THAT IF SUCH PERSON IS REMUNERATED, THE PERSON DOES NOT HOLD HIMSELF OR HERSELF OUT AS ONE WHO ACCEPTS EMPLOYMENT FOR PERFORMING SUCH CARE.

5. THE INSTRUCTION IN THE USE OF A DOG GUIDE.

6. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS PROHIBITING A LICENSED TEACHER OF THE VISUALLY IMPAIRED FROM PERFORMING ANY OF THE DUTIES, TASKS OR RESPONSIBILITIES WITHIN THAT SCOPE OF PRACTICE.

7. THE INSTRUCTION IN THE USE OF BRAILLE.

S 8908. SPECIAL PROVISIONS. AN INDIVIDUAL WHO MEETS THE REQUIREMENTS FOR A LICENSE AS A LICENSED VISION IMPAIRMENT SPECIALIST WITH A SPECIALIZATION IN ORIENTATION AND MOBILITY AND/OR VISION REHABILITATION, EXCEPT FOR EXAMINATION, EXPERIENCE AND EDUCATION, AND WHO IS CERTIFIED OR REGISTERED BY A NATIONAL CERTIFYING BODY HAVING CERTIFICATION OR REGISTRATION STANDARDS ACCEPTABLE TO THE COMMISSIONER, OR AN INDIVIDUAL WHO HAS WORKED AS A VISION IMPAIRMENT SPECIALIST FOCUSED ON VISION REHABILITATION THERAPY AND/OR ORIENTATION AND MOBILITY IN A WORKPLACE SETTING WHICH IS PRIMARILY DEVOTED TO THE TREATMENT OF INDIVIDUALS WITH VISION LOSS AND BLINDNESS FOR AT LEAST THREE YEARS, MAY BE LICENSED, WITHOUT MEETING ADDITIONAL REQUIREMENTS AS TO EXAMINATION, EXPERIENCE AND EDUCATION, PROVIDED THAT SUCH INDIVIDUAL SUBMITS AN APPLICATION TO THE DEPARTMENT WITHIN THREE YEARS OF THE EFFECTIVE DATE OF THIS SECTION.

S 8909. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF, SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OF ANY OTHER SECTION OR PART THEREOF.

S 2. Subparagraph (i) of paragraph a of subdivision 1 of section 6503-a of the education law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

(i) services provided under article one hundred fifty-four, one hundred sixty-three [or], one hundred sixty-seven OR ARTICLE ONE HUNDRED SIXTY-EIGHT of this title for which licensure would be required, or

S 3. Paragraph a of subdivision 3 of section 6507 of the education law, as amended by chapter 554 of the laws of 2013, is amended to read as follows:

a. Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, [or] certified behavior analyst assistant OR LICENSED VISION IMPAIRMENT SPECIALIST shall, in addition to all the other licensure, certification or permit requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting

requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with mental retardation and other developmental disabilities and voluntary reporting of abused or neglected adults to the office of mental retardation and developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

S 4. Paragraph (a) of subdivision 1 of section 413 of the social services law, as separately amended by chapters 126 and 205 of the laws of 2014, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; LICENSED VISION IMPAIRMENT SPECIALIST; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

S 5. Section 6505-b of the education law, as amended by chapter 477 of the laws of 2008, is amended to read as follows:

S 6505-b. Course work or training in infection control practices. Every dentist, registered nurse, licensed practical nurse, VISION IMPAIRMENT SPECIALIST, podiatrist, optometrist and dental hygienist practicing in the state shall, on or before July first, nineteen hundred ninety-four and every four years thereafter, complete course work or training appropriate to the professional's practice approved by the department regarding infection control and barrier precautions, including engineering and work practice controls, in accordance with regulatory standards promulgated by the department, in consultation with the department of health, which shall be consistent, as far as appropriate, with such standards adopted by the department of health pursuant to section two hundred thirty-nine of the public health law to prevent the transmission of HIV, HBV or HCV in the course of professional practice. Each such professional shall document to the department at the time of registration commencing with the first registration after July first, nineteen hundred ninety-four that the professional has completed course work or training in accordance with this section, provided, however that a professional subject to the provisions of paragraph (f) of subdivision one of section twenty-eight hundred five-k of the public health law shall not be required to so document. The department shall provide an exemption from this requirement to anyone who requests such an exemption and who (i) clearly demonstrates to the department's satisfaction that there would be no need for him or her to complete such course work or training because of the nature of his or her practice or (ii) that he or she has completed course work or training deemed by the department to be equivalent to the course work or training approved by the department pursuant to this section. The department shall consult with organizations representative of professions, institutions and those with expertise in infection control and HIV, HBV and HCV with respect to the regulatory standards promulgated pursuant to this section.

S 6. Subdivision (a) of section 1203 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(a) Notwithstanding the education law or any other provision of law, one or more professionals each of whom is authorized by law to render a professional service within the state, or one or more professionals, at least one of whom is authorized by law to render a professional service within the state, may form, or cause to be formed, a professional service limited liability company for pecuniary profit under this article for the purpose of rendering the professional service or services as such professionals are authorized to practice. With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this

state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE VISION IMPAIRMENT SPECIALIST SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 168 OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 168 OF THE EDUCATION LAW TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST IN THIS STATE. In addition to engaging in such profession or professions, a professional service limited liability company may engage in any other business or activities as to which a limited liability company may be formed under section two hundred one of this chapter. Notwithstanding any other provision of this section, a professional service limited liability company (i) authorized to practice law may only engage in another profession or business or activities or (ii) which is engaged in a profession or other business or activities other than law may only engage in the practice of law, to the extent not prohibited by any other law of this state or any rule adopted by the appropriate appellate division of the supreme court or the court of appeals.

S 7. Subdivision (b) of section 1207 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(b) With respect to a professional service limited liability company formed to provide medical services as such services are defined in article 131 of the education law, each member of such limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a professional service limited liability company formed to provide dental services as such services are defined in article 133 of the education law, each member of such limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a professional service limited liability company formed to provide veterinary services as such services are defined in article 135 of the education law, each member of such limited liability company must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. With respect to a professional service limited liability company formed to provide professional engineering, land surveying, architectural, landscape architectural and/or geological services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a professional service limited liability company formed to provide licensed clinical social work services as such services are defined in article 154 of the education law, each member of such limited liability company shall be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. With respect to a professional service limited liability company formed to provide creative arts therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a professional service limited liability company formed to provide marriage and family therapy services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a professional service limited liability company formed to provide mental health counseling services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a professional service limited liability company formed to provide psychoanalysis services as such services are defined in article 163 of the education law, each member of such limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a professional service limited liability company formed to provide applied behavior analysis services as such services are defined in article 167 of the education law, each member of such limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. WITH RESPECT TO A PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY FORMED TO PROVIDE VISION IMPAIRMENT SPECIALIST SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 168 OF THE EDUCATION LAW, EACH MEMBER OF SUCH LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 168 OF THE EDUCATION LAW TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST IN THIS STATE.

S 8. Subdivision (a) of section 1301 of the limited liability company law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(a) "Foreign professional service limited liability company" means a professional service limited liability company, whether or not denominated as such, organized under the laws of a jurisdiction other than this state, (i) each of whose members and managers, if any, is a professional authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or each of whose members and managers, if any, is a professional at least one of such members is authorized by law to render a professional service within this state and who is or has been engaged in the practice of such profession in such professional service limited liability company or a predecessor entity, or will engage in the practice of such profession in the professional service limited liability company within thirty days of the date such professional becomes a member, or (ii) authorized by, or holding a license, certificate, registration or permit issued by the licensing authority pursuant to, the education law to render a professional service within this state; except that all members and managers, if any, of a foreign professional service limited liability company that provides health services in this state shall be licensed in this state. With respect to a foreign professional service limited liability company which provides veterinary services as such services are defined in article 135 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 135 of the education law to practice veterinary medicine. With respect to a foreign professional service limited liability company which provides medical services as such services are defined in article 131 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 131 of the education law to practice medicine in this state. With respect to a foreign professional service limited liability company which provides dental services as such services are defined in article 133 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 133 of the education law to practice dentistry in this state. With respect to a foreign professional service limited liability company which provides professional engineering, land surveying, geologic, architectural and/or landscape architectural services as such services are defined in article 145, article 147 and article 148 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. With respect to a foreign professional service limited liability company which provides licensed clinical social work services as such services are defined in article 154 of the education law, each member of such foreign professional service limited liability company shall be licensed pursuant to article 154 of the education law to practice clinical social work in this state. With respect to a foreign professional service limited liability company which provides creative arts therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company

must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. With respect to a foreign professional service limited liability company which provides marriage and family therapy services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. With respect to a foreign professional service limited liability company which provides mental health counseling services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. With respect to a foreign professional service limited liability company which provides psychoanalysis services as such services are defined in article 163 of the education law, each member of such foreign professional service limited liability company must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. With respect to a foreign professional service limited liability company which provides applied behavior analysis services as such services are defined in article 167 of the education law, each member of such foreign professional service limited liability company must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. WITH RESPECT TO A FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY WHICH PROVIDES VISION IMPAIRMENT SPECIALIST SERVICES AS SUCH SERVICES ARE DEFINED IN ARTICLE 168 OF THE EDUCATION LAW, EACH MEMBER OF SUCH FOREIGN PROFESSIONAL SERVICE LIMITED LIABILITY COMPANY MUST BE LICENSED PURSUANT TO ARTICLE 168 OF THE EDUCATION LAW TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST IN THIS STATE.

S 9. Subdivision (q) of section 121-1500 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a registered limited liability partnership formed to provide medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in this state and each partner of a registered limited liability partnership formed to provide dental services in this state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a registered limited liability partnership formed to provide veterinary services in this state must be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a registered limited liability partnership formed to provide professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions in this state. Each partner of a registered limited liability partnership formed to provide licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice clinical social work in this state. Each partner of a registered limited liability partnership formed to provide creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a registered limited liability partnership formed to provide marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in

this state. Each partner of a registered limited liability partnership formed to provide mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a registered limited liability partnership formed to provide psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a registered limited liability partnership formed to provide applied behavior analysis service in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. EACH PARTNER OF A REGISTERED LIMITED LIABILITY PARTNERSHIP FORMED TO PROVIDE VISION IMPAIRMENT SPECIALIST SERVICES IN THIS STATE MUST BE LICENSED OR CERTIFIED PURSUANT TO ARTICLE 167 OF THE EDUCATION LAW TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST IN THIS STATE.

S 10. Subdivision (q) of section 121-1502 of the partnership law, as amended by chapter 475 of the laws of 2014, is amended to read as follows:

(q) Each partner of a foreign limited liability partnership which provides medical services in this state must be licensed pursuant to article 131 of the education law to practice medicine in the state and each partner of a foreign limited liability partnership which provides dental services in the state must be licensed pursuant to article 133 of the education law to practice dentistry in this state. Each partner of a foreign limited liability partnership which provides veterinary service in the state shall be licensed pursuant to article 135 of the education law to practice veterinary medicine in this state. Each partner of a foreign limited liability partnership which provides professional engineering, land surveying, geological services, architectural and/or landscape architectural services in this state must be licensed pursuant to article 145, article 147 and/or article 148 of the education law to practice one or more of such professions. Each partner of a foreign limited liability partnership which provides licensed clinical social work services in this state must be licensed pursuant to article 154 of the education law to practice licensed clinical social work in this state. Each partner of a foreign limited liability partnership which provides creative arts therapy services in this state must be licensed pursuant to article 163 of the education law to practice creative arts therapy in this state. Each partner of a foreign limited liability partnership which provides marriage and family therapy services in this state must be licensed pursuant to article 163 of the education law to practice marriage and family therapy in this state. Each partner of a foreign limited liability partnership which provides mental health counseling services in this state must be licensed pursuant to article 163 of the education law to practice mental health counseling in this state. Each partner of a foreign limited liability partnership which provides psychoanalysis services in this state must be licensed pursuant to article 163 of the education law to practice psychoanalysis in this state. Each partner of a foreign limited liability partnership which provides applied behavior analysis services in this state must be licensed or certified pursuant to article 167 of the education law to practice applied behavior analysis in this state. EACH PARTNER OF A FOREIGN LIMITED LIABILITY PARTNERSHIP WHICH PROVIDES VISION IMPAIRMENT SPECIALIST SERVICES IN THIS STATE MUST BE LICENSED PURSUANT TO ARTICLE 168 OF THE EDUCATION LAW TO PRACTICE AS A VISION IMPAIRMENT SPECIALIST IN THIS STATE.

S 11. a. Nothing in this act shall be construed as prohibiting a person from performing the duties of a licensed vision impairment specialist, in the course of such employment, if such person is employed by programs licensed, certified, operated, or funded and regulated by the office of children and family services including the commission for the blind and visually impaired, the state education department or the department of health; provided, however, that this section shall not authorize the use of any title authorized pursuant to article 168 of the education law.

b. On or before September 1, 2017, each office identified in subdivision a of this section that licenses, certifies, operates or funds and regulates programs that employ individuals to provide services that would otherwise be restricted to individuals licensed or authorized under article 168 of the education law, shall submit to the commissioner of education, in such form and detail as requested by such commissioner, data in relation to: the number of individuals employed in exempt programs licensed, certified, operated, or funded and regulated by each office identified in subdivision a of this section on September 1, 2016 who are providing services that would otherwise be restricted to those licensed or authorized under article 168 of the education law; and the occupational title of individuals who on July 1, 2017 are not licensed or otherwise authorized under title 8 of the education law, and who are engaged in the practice of vision impairment specialist for the purpose of providing vision impairment specialist services to persons who are blind or visually impaired.

c. The commissioner of education, after receipt of this data and in consultation with the offices identified in subdivision a of this section, in consultation with not-for-profit providers, professional associations, consumers and other key stakeholders, shall prepare a report that recommends changes in any laws, rules or regulations necessary to ensure appropriate licensure or other authorization of individuals providing services that are within the restricted practice of professions licensed or otherwise authorized under article 168 of the education law. Such report shall include an estimate of the fiscal impact of any such recommended changes and, to the extent practicable, how such recommendations will result in improved outcomes. The commissioner of education shall submit the report to the governor, the speaker of the assembly, the temporary president of the senate, and the chairs of the senate and assembly higher education committees by January 1, 2018. The commissioners of the agencies identified in subdivision a of this section shall be provided an opportunity to include statements or alternative recommendations in such report.

S 12. This act shall take effect eighteen months after it shall have become a law; provided, however, that if chapter 475 of the laws of 2014 shall not have taken effect on or before such date than sections six, seven, eight, nine and ten of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2014 takes effect; provided, further that the provisions of subdivision a of section eleven of this act shall expire July 1, 2018 when upon such date the provisions of such subdivision shall be deemed repealed. The commissioner of education and the board of regents are authorized to promulgate such rules and regulations and take any other measures as may be necessary for the timely implementation of this act on or before its effective date, including but not limited to the appointment of the state board for vision rehabilitation services, the acceptance and processing of applications for licensure, and the issuance of licenses.